

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:22-cr-00016-MR-WCM**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHAWN THOMAS JOHNSON,

Defendant.

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ORDER

THIS MATTER is before the Court on the Defendant's *pro se* "Notice of Appeal in the Matter of Preliminary Order of Forfeiture for Specific Property." [Doc. 70].

The Defendant, who is represented by retained counsel, pled guilty pursuant to a written plea agreement to one count of bank fraud, in violation of 18 U.S.C. § 1344. [Docs. 1, 3, 10, 11]. On April 27, 2023, the Court entered an Order granting a forfeiture money judgment in the amount of \$2,778,237. [Doc. 57]. On September 7, 2023, upon motion of the Government [Doc. 59], the Court entered a preliminary order of forfeiture for specific property in partial satisfaction of the forfeiture money judgment. [Doc. 69]. The Defendant filed a *pro se* Notice of Appeal of the Court's September 7, 2023 Order. [Doc. 70]. No filing fee was paid.


The Defendant's Notice of Appeal is procedurally improper for a number of reasons. First, the Defendant is currently represented by retained counsel. The Court does not ordinarily entertain pleadings filed by a criminal defendant who is represented by counsel and who has not formally waived his right to counsel. See LCrR 47.1(g). Second, the Defendant seeks to appeal an interlocutory order regarding forfeiture. Such order is not appealable until a final judgment has been entered in this case. [See Doc. 72 (letter from Court of Appeals advising that notice of appeal would be treated as filed as of the date this Court enters its final judgment)].

For these reasons, the Court will strike the Defendant's *pro se* Notice of Appeal. The Defendant, through counsel, may refile a Notice of Appeal upon the entry of a final judgment in this case.

IT IS, THEREFORE, ORDERED that the Defendant's *pro se* "Notice of Appeal in the Matter of Preliminary Order of Forfeiture for Specific Property" [Doc. 70] is **STRICKEN** and may be re-filed by counsel at the appropriate time.

IT IS SO ORDERED.

Signed: November 10, 2023



Martin Reidinger
Chief United States District Judge

